

**PATENT APPLICATION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

10-2-03
Date

Cynthia Hagen
Cynthia Hagen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Christopher S. Piddington, Charles Petrie, Kimberly E. Shoemaker,
Paul D. Bishop
Serial No. : 09/978,385
Filed : October 16, 2001
For : ZACE2: A HUMAN METALLOENZYME
Examiner : Moore, W.
Art Unit : 1652
Docket No. : 99-24C1
Date : October 2, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION

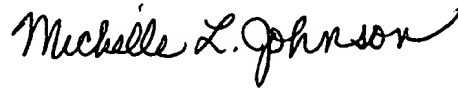
Sir:

Applicants respectfully petition for a refund of the extension of time fee of three months paid to allow response to the Office Communication dated June 2, 2003. This is because this communication was not received in our office until faxed to us by the Examiner on September 11, 2003.

The following exhibits are attached to support the non-receipt of this communication: (1) Copies of the pages of our "Received Prosecution" record book, dated 6/2/03-7/7/03, showing no receipt of any communications concerned with 99-24C1 (our docket number of this case) during this time period; and (2) a printout of our docketing system for case 99-24C1, indicating no outstanding Office Communication.

Based on the data of these exhibits, it is established that the Office Communication was not received by ZymoGenetics and therefore Applicants were unaware of any need to respond further for this application. It was not until the Examiner contacted Applicant concerning nonresponse to the Office Communication on September 11 that the existence of this letter was even known. Accordingly, Applicant should have at least 30 days to respond and has done so with the Response dated October 2 and mailed with this petition. Refund of the extension of time fee to our Deposit Account (or not charging the fee in the first place, if this is procedurally possible) is therefore justified under these facts.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Michelle L. Johnson". The signature is written in dark ink and is positioned above the printed name and registration number.

Michelle L. Johnson
Registration No. 36,352

Exhibit 1

158

Proj ct N . _____

B k N . _____

TITLE _____

From Page No. _____

5/27/03 - Cont'd

01-16PC	Postcard - letter
00-19	" - Amendment
00-39	" - Amendment
99-01CI	" - Amendment/Notice of Appeal
01-30PC	Search Report
99-14	Notice of Abandonment
01-44	Updated Filing Receipt
00-17	Restriction Req.
99-23C2	Notice of Publication
00-103	Notice of Publication
97-72CI	Issue Notification
00-45	Notice of Abandonment
00-80CI	Office Action
98-59	Notice of Abandonment

5/29/03

01-18	Postcard - Amendment
98-17CI	
98-17CI	Postcard - Restriction

6/2/03

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03-02PI	Filing Receipt
99-90	Office Communication
00-42	Notice of Publication of Application
01-25	Notice of Publication of Application
02-05	Filing Receipt
96-06C3	Postcard
97-71CI	Postcard
00-83	" - Response Restriction
00-106	" - App
99-43	Office Action
01-16	Notice of Publication
01-05	Notice of Publication
00-41	Office Action

To Page

Witnessed & Und rsto d by me,

Date

Invented by

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Page No. _____

6/3/02

00-24

Office Communication

02-07

Filing Receipt

98-55D1

Filing Receipt

02-098

Notification Concerning Payment of Prescribed Fees

93-094

Maintenance Fee Statement

00-49

Office Communication

99-87C1

Postcard - Amendment

00-02C1

" - Missing Parts

00-33

" - Response

97-44C2

Issue Notification

97-30C1

Issued Patent

6/4/02

97-30C3

Filing Receipt

00-100PC

Search Rpt

00-108PC

Search Rpt

98-29C2

Office Action

6/6/03

98-11

Office Communication

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6573.069

Issued Patent

00-37

Restriction Req

99-01C1

Advisory Action

00-72

Notice of Abandonment

00-90

Office Action

98-29D1

Office Action

97-65

Letters Patent

6/9/03

02-02PC

Postcard

00-42

Postcard

02-08PC

Notification Concerning Payment of Prescribed Fees

97-30C2

Filing Receipt

99-106

Notice of New or Revised Projected Publication Date

97-69

Postcard

97-05D3

Office Communication

To Page No. _____

Classified & Understood by me,

Date

Invented by

Date

Recorded by

Project No. _____

Book No. _____

TITLE _____

Page No. _____

6/09/03 cont'd
 6,573,089 copies of issued patent
 99-06C1 Postcard-app
 00-84 " Amendment
 01-12 Notice of Publication
 99-103C1 Notice of Publication
 00-87 Notice of Publication
 00-19 Notice of Non-Compliant Amendment
 99-17C1 Office Action
 96-24C2 Notice of Revised Pub Date
 00-63 " "
 97-28C1 " "
 00-74 " "
 00-32 " "
 00-39 " "
 00-37 " "
 00-31 " "

6/10/03

96-41D1

Postcard

99-61

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00-88

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99-108D1

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00-81

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00-16D1

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99-64C1

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00-39

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99-108

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98-73C1

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99-42

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99-94

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99-44

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99-104C1

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99-70C1

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97-11C2

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99-107

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97-73

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To Page No. _____

Inspected & Understood by me, _____

Date _____

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Date _____

6/10/03 cont'd.

98-1301 Postcard

97-43 "

00-95 "

98-17C1 "

99-44C1 "

00-18 "

99-104 "

98-74 "

99-85 "

99-103C1 "

99-34 "

96-09D1 "

01-44 "

99-104C2 "

01-33 "

00-81 Restriction Reg

01-20PC Written Opinion

00-100PC Written Opinion

BEST AVAILABLE COPY

6/12/03

97-52D1 Postcard

97-17C2 Notice of New or Revised Projected Publication Date

99-29C1 "

6/13/03

99-16D1 Postcard

95-36C1 Notice of New or Revised Projected Publication Date

01-17 Notice of Publication of Application

00-111 "

12/03

99-104C2 Noticed Publication

98-70C1 Noticed Revised Pub Date

97-11C2 Noticed Revised Pub Date

To Page No. _____

Inventor's Name

Date

Invented by

Date

From Page No. _____

6/13/03 (Cont'd)

00-38C1 Noticed Revised Pub Date
 00-28D1 Noticed Publication
 01-20 Noticed Publication
 97-15D1 Notice of Publication
 00-99 Noticed Publication
 02-10PC Invitation to Furnish Seq

6/16/03

98-60 Postcard - Certif of Correction
 96-20D1 " - Certif of Correction
 98-82 " - Response to Commun.
 00-17 Restriction Req
 00-83 Office Action
 01-28 Final Office Action
 00-34C1 Office Action
 00-67 Office Action
 97-72C1 Letters Patent & copies
 00-81 Corrected Filing Receipt
 02-01PC Postcard
 6,576,755 Copies of Issued Patent
 02-25P2 Filing Receipt
 99-16D1 Postcard
 00-03D1 Postcard
 6,576,744 Copies of Issued Patent
 97-65 Office Communication
 97-72C2 Filing Receipt
 6,576,744 Issued Patent (97-55)

6/17/03

97-62D3 Office Communication
 97-11C2 Corrected Filing Receipt
 00-112 Postcard
 00-42 "
 03-08 "
 00-02C1 Updated Filing Receipt
 02-24P2 Filing Receipt

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On Page No. _____

6/17/03 (Cont'd)

00-103

Postcard - IDS

00-02C1

Updated Filing Receipt

0092

Notice of Revised Pub Date

6/20/03

02-11PC

Postcard

08-03

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99-50C1

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99-1212

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00-111

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02-03

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99-50

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97-49C1

Notice of New or Revised Projected Pub Date

6/23/03

97-30

Postcard

99-42

Postcard

02-10

Filing Receipt

99-11DZ

Postcard - Petition

99-69C1

" - Restriction

00-47

" - Restriction

02-14

" - app

00-12

Notice of Allowance

97-04DZ

Office Action

97-04D1

Office Action

98-54

Office Action

99-103C1

Restriction

01-30

Notice of Publication

01-11

Notice of Revised Pub Date

00-12

Notice of Allowance

99-39D1

Notice of Revised Pub Date

99-51C1

Notice of Revised Pub Date

98-77D1

Notice of Revised Pub Date

01-21

Notice of Revised Pub Date

99-61C1

Notice of Pub

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To Page No. _____

What page 1 & 2 Understand my name,

Date

Invented by

Date

From Page No. _____

6/23/03 (Cont'd)

00-8001

Notice of Revised Pub Date

99-8101

Notice of Pub

6/24/03

02-05

Filing Receipt

01-40PC

Notification of Receipt of Demand

93-12D1

Suspension Notice

93-12D2

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93-12D3

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93-12D4

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93-12D6

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93-12C4

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93-12C5

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93-12D7

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6/25/03

99-45

Office Communication

6/26/03

00-15

Postcard

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6/27/03

01-33

Postcard - Missing Parts

6/30/03

626,5541

Postcard - request for a Certificate of Grantion

97-30C3

Postcard

00-96

Postcard

98-56

Postcard

99-11D2

Decision Granting Petition

02-08

Filing Receipt

02-15

Postcard - app

99-40C1

" - app

02-14PC

" - app

87-17C9

Notice of Abandonment

01-11

Restriction Reg

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TITLE _____

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6/30/03 (Contd)

01-30PC Receipt of Demand

01-15PC Waiver Opinion

99-06C1 Noted Incomplete App

00-23 Restriction Reg

99-87C1 Office Action

95-36C1 Restriction Reg

7/1/03

99-108D1 Filing Receipt

7/2/03

96-41D1 Office Communication

99-11D2 Petition Decision

01-13PC Search Rpt

01-15PC Search Rpt

7/3/03

99-44 Corrected Filing Receipt

02-15PC Postcard - app

99-103 Recordation of Assignment

7/7/03

00-24 Postcard

97-17C2 Postcard

98-79D2 Postcard

97-17C2 Postcard

99-10 Office Communication

99-21D1 Notice of Publication

99-02 Office Communication

99-41 Office Communication

00-79 Postcard - Issue Fee

01-15 " - Response

01-20PC " - Response

00-92 Restriction Reg

00-73 Office Action

98-70C1 Restriction Reg

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Exhibit 2

Thursday, October 02, 2003 **Prosecution History for USSN 09/978,385** Page: 1

Case Number	Sub	Countr	Attorney	Date	Reason for Date/	Action	Application	Filing	Status
99-24	C1	US	MJ	16-Jan-2002	Response Due	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken	10-Jan-2002		
99-24	C1	US	MJ	16-Jan-2002	Information Disclosure Stmt	Information Disclosure Stmt	09/978,385	16-Oct-2001	Published
					Due Date				
99-24	C1	US	MJ	16-Feb-2002	1st Extension Reminder	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken	10-Jan-2002		
99-24	C1	US	MJ	16-Mar-2002	2nd Extension Reminder	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken	10-Jan-2002		
99-24	C1	US	MJ	16-Apr-2002	Foreign Filing Reminder	Foreign Filing	09/978,385	16-Oct-2001	Published
					Due Date				
99-24	C1	US	MJ	16-Apr-2002	3rd Extension Reminder	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken	10-Jan-2002		

Thursday, October 02, 2003

Prosecution History

Page: 2

Case Number	Sub	Countr	Attorne	Date	Reason for Date/	Action	Application	Filing	Status
99-24	C1	US	MJ	13-May-2002	Request for Examination Due Date	Substantive Examination	09/978,385	16-Oct-2001	Published
99-24	C1	US	MJ	16-May-2002	4th Extension Reminder	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken	10-Jan-2002		
99-24	C1	US	MJ	16-Jun-2002	Final Deadline Final	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken	10-Jan-2002		
99-24	C1	US	MJ	10-Jul-2002	US-Missing Part Follow Up Date	US-Missing Parts	09/978,385	16-Oct-2001	Published
				Resp. Sent	10-Jan-2002	Date Taken	21-Feb-2002		
99-24	C1	US	MJ	27-Sep-2002	Due Date - Election	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	27-Feb-2003	Date Taken	27-Feb-2003		
99-24	C1	US	MJ	16-Oct-2002	Foreign Filing Due Final	Foreign Filing	09/978,385	16-Oct-2001	Published

Thursday, October 02, 2003

Prosecution History

Page: 3

Case Number	Sub	Countr	Attorne	Date	Reason for Date/	Action	Application	Filing	Status
99-24	C1	US	MJ	27-Oct-2002	1st Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder 27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Nov-2002	2nd Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder 27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Dec-2002	3rd Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder 27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Jan-2003	4th Extension	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Reminder 27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	27-Feb-2003	Final Deadline	US-Restriction Requirement	09/978,385	16-Oct-2001	Published
				Resp. Sent	Final 27-Feb-2003	Date Taken 27-Feb-2003			
99-24	C1	US	MJ	16-Apr-2003	Application Status Check Due Date	Application Status Check	09/978,385	16-Oct-2001	Published

RAM Fee History
Query
Revenue Accounting and Management

Name/Number: 09978385

Total Records Found: 4

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
10/19/2001	00000070	<u>1</u>	<u>201</u>	\$370.00	10/16/2001	DA 260290
02/12/2002	00000064	<u>1</u>	<u>205</u>	\$65.00	02/08/2002	DA 260290
03/06/2003	00000152	<u>1</u>	<u>2255</u>	\$985.00	03/04/2003	DA 260290
10/09/2003	00000217	<u>1</u>	<u>2253</u>	\$475.00	10/06/2003	DA 260290